



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-63  
Petition of Kendrick and Debra Brede  
1 Bacon Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 21, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of KENDRICK AND DEBRA BREDE requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow construction of an attached two-story garage approximately 21 feet 7 inches by 28 feet 6 inches at their conforming dwelling at 1 BACON STREET, in a Single Residence District, said garage leaving less than the required right side yard.

On July 5, 1988, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Kendrick Brede who said that he and his wife purchased the one-bedroom home a year ago. Prior to purchase, they received permission from the Wetlands Committee for proposed construction. The addition was designed to meet 15% lot coverage. To construct a garage of reasonable size, it was necessary to come within less than 20 feet on one corner.

Dr. Brede said that the garage is positioned adjacent to a steep incline which is adjacent to the Mass Bay Commuter Line. A 16 foot Town right-of-way is located on the right side property line. The Town Engineers have said that they doubt that the right-of-way will ever be used as it is covered with oak trees, and the slope to the commuter rails is one of 45 degrees. If access is ever needed to the Morses Pond Tunnel, it would be made from the beach side. The shape of the lot is unique and the proposed site is the only one where the garage could be placed, although it will be 17 feet from the right side lot line.

No other persons present had any comment on the petition.

Statement of Facts

The conforming dwelling is located at 1 Bacon Street, in a Single Residence District, on a 16,100 square foot lot. The property is subject to a 16 foot Town right-of-way running the length of the southeast property line.

The property is also within the Wetlands Protection Act Buffer Zone of Morses Pond. On March 26, 1987, the Bredes filed a Request for Determination of Applicability with the Wetlands Protection Committee, and on April 14, 1987 received a Negative Determination which covers the garage addition.

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The petitioners are requesting a variance for the addition of an attached two-story garage which will leave a right side setback of 17.3 feet from the property line.

A Plot Plan dated June 14, 1988, drawn by John P. Hurney, Registered Land Surveyor; undated, unsigned construction plans; and photographs were submitted.

The Planning Board, on July 12, 1988, voted to offer no objection to the request.

Decision

This Authority has made a careful study of the evidence presented. The subject house presently conforms to the Zoning Bylaws. The proposed construction of the attached two-story garage will result in a 2.7 foot encroachment on the right side property line.

It is the opinion of this Authority that due to the unique shape of the lot, and the fact that the lot abuts the railroad embankment on the southeast side so that the encroachment will not be detrimental to the abutting property on that side, the encroachment can be allowed.

In the opinion of this Authority, for the foregoing reasons, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct an attached two-story garage at 1 Bacon Street subject to construction in accordance with the Plot Plan and construction plans submitted as noted in the Statement of Facts, said garage coming no closer than 17.3 feet from the right side (southeast) property line.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

  
Robert R. Cunningham, Acting Chairman

  
Kendall P. Bates

cc: Planning Board  
Inspector of Buildings  
edg

  
William E. Polletta

